

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PEGGY S. SINK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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Civil Action No. 3:03-CV-0727-P


ORDER

After making an independent review of the pleadings, files, and records in this case, and the Findings, Conclusions, and Recommendation of the of the United States Magistrate Judge, I am of the opinion that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct and are adopted as the Findings and Conclusions of the Court.

It is therefore ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are adopted. Accordingly, Plaintiff's *Motion for Summary Judgment*, filed July 14, 2003, is **GRANTED**, *Defendant's Memorandum in Support of Motion for Summary Judgment and in Response to Plaintiff's Motion for Summary Judgment*, filed September 12, 2003, is **DENIED**, and the case is hereby remanded to the Commissioner for further proceedings. In particular, the Commissioner should reassess Plaintiff's RFC in light the mental limitations recognized by the ALJ and state the weight accorded to the State agency physicians' opinions. If the Commissioner concludes that Plaintiff's nonexertional impairments significantly affect her RFC, the issue of whether Plaintiff was able to return to her past work as a counter attendant should be revisited. Additionally, the Commissioner should make a specific determination as to Plaintiff's

ability to maintain employment..

SO ORDERED, this 28th day of October, 2005.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE